

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JASON CISZEWSKI,

Plaintiff,

v.

DENNY'S CORPORATION, a Delaware
corporation,

Defendant.

)
)
)
)
)
)
)
)
)
)

Civil Action No. 1:09-cv-05355

Judge Matthew F. Kennelly

MOTION TO INTERVENE BY PLAINTIFF IN FIRST-FILED ACTION

Nick DeBenedetto, a member of the putative nationwide class in this action and plaintiff in the first-filed statewide class action now pending in New Jersey Superior Court (Law Division), seeks leave to intervene, both as of right and by permission, pursuant to F.R.Civ.P. 24, as an additional plaintiff and putative class representative and for his counsel to be joint putative class counsel, in order to protect the interests of class members, both nationally and in New Jersey. In support of this motion, DeBenedetto has filed contemporaneously a supporting memorandum.

Dated: November 5, 2009

Respectfully submitted,

By: s/ Anthony F. Fata
Anthony F. Fata
Cafferty Faucher LLP
30 North LaSalle Street
Suite 3200
Chicago, IL 60602
Telephone: 312-782-4880
Facsimile: 312-782-4485

Liaison Counsel for Intervenor

Stephen Gardner
Center for Science in the Public Interest
Director of Litigation
5646 Milton Street, Suite 211
Dallas, Texas 75206
Telephone: 214-827-2774
Facsimile: 214-827-2787

Counsel for Intervenor

Of Counsel:

Andrew R. Wolf
Henry P. Wolfe
Galex Wolf, LLC
Attorneys at Law
1520 U.S. Highway 130, Suite 101
North Brunswick, New Jersey 08902
Telephone: 732-257-0550
Facsimile: 732-257-5654

Williams Cuker Berezofsky
Mark R. Cuker
Michael J. Quirk
One Penn Center at Suburban Station
1617 J.F.K. Blvd., Suite 800
Philadelphia, PA 19103-1819
Telephone: 215-557-0099
Facsimile: 215-557-0673

*Attorneys for Plaintiff Nick DeBenedetto, on
behalf of himself and others similarly
situated*